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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 38993 of 2020 (O&M)
Decided on: 25.11.2020

Suresh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Pratham Sethi, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.277 dated 05.09.2020, registered under Sections 342, 324, 326, 307 and 506 read with Section 34 IPC and 25 of the Arms Act at Police Station Rai, District Sonapat.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Sukhwinder @ Dhola, when he was coming back towards his house, his vehicle was intercepted and Jayant, who was carrying a pistol in his hand and Shakti, who was carrying a pipe in his hand, stopped his vehicle. Jayant tried to fire upon him by pointing the pistol on his chest but the gun did not fire. In the meantime, Shakti gave an iron pipe blow on his head and blood started oozing out from his head. Jayant again, tried to fire the pistol but he survive. Thereafter, the mother of Jayant i.e. Suresh, also came at the spot and all three of them, caused injuries to the complainant with the butt of the pistol, which hit on the index finger of

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his left hand. Thereafter, the nephew and cousin of the victim came at the spot and they rescued him. Jayant and Shakti while leaving the spot, threatened him to kill.

Counsel for the petitioner has further argued that except for the presence of the petitioner mentioned in the FIR, there is no allegation against her and no motive is attributed towards her. It is further argued that even in the FIR, the allegations are against Jayant and Shakti that they have threatened the complainant while leaving the spot and the petitioner was not even named that she ever extended any threat to the complainant.

Notice of motion.

Mr. Deepak Kumar Grewal, DAG, Haryana, who is present in the Court through video conferencing accepts notice on behalf of the respondent – State while Mr. Atul Prataap Dhankhar, has appeared on behalf of the complainant.

It is argued by counsel for the State as well as counsel for the complainant that the petitioner is named in the FIR and her presence was there when the co-accused of the petitioner, caused injuries to the complainant/victim. However, the averments in the FIR are not disputed that there is no motive attributed to the petitioner or that she ever extorted any threat to the complainant/victim while leaving the spot.

After hearing the counsel for the parties, I deem it appropriate to grant the concession of anticipatory bail to the petitioner and accordingly, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days from

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today and join the investigation and she shall be released on interim bail on her furnishing bail/surety bonds, subject to the conditions envisaged under Section 438(2) Cr.P.C.

It will be open for the Investigating Officer to call the petitioner by issuing an advance notice in writing, as and when she is required for the purpose of investigation.

(ARVIND SINGH SANGWAN)
JUDGE

25.11.2020
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No